

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>8/13/10</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOMO WILLIAMS, :

Petitioner, :

07 Civ. 5496 (WHP) (FM)

07 Civ. 5514 (WHP) (FM)

-against- :

ORDER

COMMISSIONER NYSDOC, et al., :

Respondents. :

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WILLIAM H. PAULEY III, District Judge:

Petitioner pro se Jomo Williams (“Williams” or “Petitioner”) filed two petitions for writs of habeas corpus under 28 U.S.C. § 2254 challenging separate convictions in Westchester County. In those petitions, Williams also included allegations of civil rights violations under 42 U.S.C. § 1983 against the Defendants. Defendants moved to dismiss the civil rights claims under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. This action was referred to Magistrate Judge Frank Maas, for a report and recommendation. In a Report and Recommendation dated March 2, 2010 (“the Report”), Judge Maas recommended that the § 1983 claims be dismissed.

On March 18, 2010, Williams requested additional time to file objections to the Report and Recommendation dated March 2, 2010 issued by Magistrate Judge Maas. This Court granted that application and ordered Williams to file and serve any objections by April 30, 2010.

On April 21, 2010, this Court denied Williams leave to file an interlocutory appeal of two non-final orders issued by Judge Maas (07 Civ. 5496 Docket No. 32).

ON May 18, 2010, this Court received a document titled “Order to Show Cause – TRO Affirm In Support of Appl., For Objection, Bail, et. al. Reliefs.” On June 2, 2010, this Court received a document from Williams titled “Supplemental Affirm In Support of Application

For Order to Show Cause; Serve By Filing; T.R.O.; Objections; Bail; Order of Protection; Write of Habeas Corpus Ad Testificandum; et. al. Reliefs.” In both letters, Williams references numerous claims and grievances related to his habeas proceeding, prison life, and other matters. His only objection to the Report, found in his March 18, 2010 letter, is a blanket request that his claims “not be dismissed.” A review of the docket in this case further reveals that Williams has not filed and served any other objections.

A district court is required to make a de novo determination as to those portions of the report and recommendation to which objections were made. 28 U.S.C. 636(b)(1); Grassia v. Scull, 892 F.2d 16, 19 (2d Cir. 1989). Where a litigant fails to file objections, he is deemed to have waived any objections to that recommendation and the Court is not required to review the unchallenged recommendations. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir. 1992).

Because Williams has not filed any substantive or specific objection to the Report, any objection he may have is deemed waived. Nevertheless, having reviewed Judge Maas’ Report, this Court is convinced there is neither clear error nor other infirmities in its reasoning and conclusions.

Accordingly, this Court adopts Magistrate Judge Maas’s thorough Report in its entirety and grants Defendants’ motion to dismiss Petitioner’s civil rights claims (No. 07 Civ. 5496, Docket No. 20). The Clerk of Court is directed to terminate that motion. Further, to the extent Williams seeks a temporary restraining order or other emergency relief through his various letters to this Court, all such applications are denied.

Dated: August 13, 2010
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Copies mailed to:

The Hon. Frank Maas
United States Magistrate Judge

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